Supreme Court, U.S.
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No. 1 07-706

IN THE

Supreme Court of the United States

OCTOBER TERM, 2007

JOHN MECCA , DEBORAH RAE LAMB,
Petitioner's,

vs.

UNITED STATES OF AMERICA,
Respondent.

On Petition for Writ of Certiorari to the Court of Appeal for the Second Circuit

PETITION FOR A WRIT OF CERTIORARI

JOHN MECCA and DEBORAH RAE LAMB
119 Whittier Drive,
Kings Park, NY, 11754
Telephone (631) 360-1557
November 14, 2007 PRO SE Petitioner's

QUESTIONS PRESENTED
ALL QUESTIONS AS FOLLOWS, ARE ASKED AS, A "PERSON", BEING A NATURALIZED BORN CITIZEN OF THE UNITED STATES UNDER THE 5TH AND 14TH UNITED STATES CONSTITUTIONAL AMMENDMENTS,

1.) Whether, a person receiving artificially induced torture pain as a virtual punishment by federal and associate state authorities, can be dismissed with "prejudice" is constitutional without public due process remedy under the federal Bill of Rights 4th, 5th, ,6th and 14th amendments in light of there being previous appeal case law decisions to the contrary.

2.) Whether, a person can be refused remedy by dismissal with prejudice in a civil complaint alleging they are under unconstitutional surveillance 24 hours a day for the rest of their life, loosing "all" rights to privacy under the federal Bill of Rights 1st and 4th amendment by federal and associate state authorities, where it is not constitutional without federal Bill of Right 5th and 14th amendment entitling a public due process remedy.

3.) Whether, federal and their associate state or local authorities actions of causing covert torture pain by remote control to a person not under physical restraint, done under legislative and policy allowances of secrecy to shield them from exposure as to the existence of such an ongoing investigation

under "qualified Immunity" color of law, ultimately used to hold Respondents free from liability from suit and including that such actions of secrecy are enforced also by gag orders given to a judge or justice preventing such exposure, can use such allowances to prevent a person from unmasking such unconstitutional actions by suit in a court, where such acts are in contravention of federal Bill of Rights 4th, 5th, ,6th and 14th amendments

4.) Whether Denton v. Hernandez (90-1846), 504 U.S. 25 (1992) where its causes of action related to separate incidents that were only partly witnessed by affidavit and culminated for that reason with the decision of dismissal with prejudice, can in contravention to the common law under the federal Bill of Rights 9th amendment be used to dismiss petitioners with prejudice, where their causes of action are "all" validated by witnessed affidavit and supported by admission of guilt by authorities.

5.) Whether an appeals court can dismiss petitioners complaint with prejudice, where it asked only one question of appellants in oral argument, being, what evidence did you provide in the lower court complaint that proves the guilty party is the United States Government, where Petitioner's answered, that the original complaint has an exhibit explaining how county police stated that the United States government was the actor in the attacks on appellants and that issue was stated in rehearing as well, but the court dismissed

appellants with prejudice nevertheless.

6.) Whether the Chambers v. Time Warner, Inc. 282 F. 3d 147, 152 (2d Cir.2002) judicial decision, that Time Warner documentation of legal authority took precedence over Chambers legal umbrella standing claims because he lacked documentation of a high enough authority, can be used to affirm lower courts dismissal with prejudice that makes moot petitioners entitlement to bring suit where that court ignored witnessed affidavit evidence of Petitioners standing in New York legislative Venue supporting their colorable claims causes of action, despite the fact it was known by the justices that New York county police unconstitutionally and with complicity abrogated petitioners federal and New York State constitutional rights to the Military branch of the United States Government's higher legal authority.

7.) Whether an appeals court can affirm a dismissal with "prejudice" of petitioners using FRCP Rule 12 (b)(6) citing uncolorable claims causes of action, where both lower courts ignored petitioners evidence exhibit about local police whom together with the military abrogated petitioners constitutional rights unconstitutionally by reporting to petitioner the identity of the attacker in the following exclamation, "it's the military and we (NYS county police) will get into trouble if we do anything to stop it". Where under the 5th, 9th and 14th federal and state constitutional amendments

the justices should have allowed the suit, where also it was a virtual habeas corpus in need of remedy at least by discovery precluding "prejudice".

8. Whether the military commission established by the President to try petitioner and others similarly situated for alleged war crimes in the "war on terror" is duly authorized under Congress's Authorization for the Use of Military Force (AUMF), Pub. L. No. 10740, 115 Stat. 224; the Uniform Code of Military Justice (UCMJ); or the inherent powers of the President and whether Petitioners here should avail themselves of similar remedy related to such legislation if they are discovered by the justices to be under such same status, where we ask to be told of it.

9. Whether petitioner and others similarly situated can obtain judicial enforcement from an Article III court of rights protected under the 1949 Geneva Convention in an action for a writ of habeas corpus challenging the legality of their detention by the Executive branch and whether Petitioners here should avail themselves of similar remedy related to such legislation if they are discovered by the justices to be under such same status, where we ask to be told of it.

PARTIES TO THE PROCEEDING

Pursuant to Rule 14.1, the following list identifies all of the parties appearing here and in the court. All parties below appear captioned on the cover page.

The Petitioner here and in the United States Court of Appeals for the District of Columbia are John Mecca and Deborah Rae Lamb

The Respondents here and in the United States Court of Appeals for the District of Columbia is the United States of America

Pursuant to Rule 29.6, Petitioner states that no parties are corporations.

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IN THE
SUPREME COURT OF THE UNITED STATES
Petitioners respectfully prays that a writ of certiorari issue to review the judgment below.
Under 28 U. S. C. § 1254(1)
OPINIONS BELOW

The opinion of the United States court of appeals appears at Appendix A and is, unpublished case # 06-5305.

The opinion of the United States court of appeals for Panel Rehearing appears at Appendix B to the petition and is, unpublished case # 06-5305.

The opinion of the United States District Court for the Eastern District of New York appears at Appendix C to the petition and is, published case # 06-3492.

JURISDICTION

The date on which the United States Court of Appeals decided my case was August 17, 2007. , and a copy of the order of dismissal with prejudice appears at Appendix A.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: October 10, 2007, and a copy of the order denying panel rehearing appears at Appendix B.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Denton v. Hernandez, 504 U.S. 25, 33 (1992) for failure to state a colorable claim. Petitioners state that citations application is an unconstitutional construction and extension beyond judicial prerogative where that court ignores the fact that all causes of action and colorable claims are based upon sworn affidavit, where albeit there is a litany not of unsupported allegations without evidence, but of petitioner's definitions of the effects of the torture level pain witnessed by affidavit that near lethal levels of electric and radio frequency energy are being used in attacking petitioners is equitably described from petitioners viewpoint to encroach upon the litany of malfeasance enumerated upon. Such that being the issue it is a fact that all evidence portrayed by the litany of malfeasance definitions were supported by sworn witnessed affidavit.

2. Chambers v. Time Warner, Inc., 282 F.#d 147 152 (2d Cir. 2002): for failure to state a colorable claim. Where those tow parties presented to the court that evidence documentation and the judge decided in favor of Time Warner based upon their validated documents having superior issues of authority. Petitioners state that citations application is an unconstitutional construction and extension beyond judicial prerogative where Petitioner's issue is that their validated documents of authority are the U.S. Constitution, U.S. Code, Common Law and New York

State Legislation that the Suffolk County Police abrogated and relinquished to the higher legal authority of the military being the U.S. Government without public due process; such abrogation of petitioners rights is contradicted by Ali Mari v. US Fourth Circuit Court of Appeals 06-7427, In re Oliver 333 U.S. 257, 278(1948).

3. [N]or [shall] cruel and unusual punishments [be] inflicted. U.S. CONST. amend. VIII and No State shall . . . deprive any person of life [or]liberty . . . without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. U.S. CONST. amend. XIV, § 1.

4. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. 42 U.S.C. § 1983.

5. Conscription or committing Appellants for a law or clinical investigation using pain without custody or interrogation is torture punishment without due process and violates the Patriot Act and 18 U.S.C. 242 and the 4th, 5th, 8th and 14th Constitutional Amendments and International

Covenant on Civil and Political Rights Article 7.

STATEMENT OF THE CASE

1. Regarding Denton v. Hernandez and Chambers v. Time Warner, as citations, where there are issues of differing ways those cases can be applied, it is of consequence for a judicial decision to weight the apparent differences between the case in question and the citation. The citation was used in an unconstitutional extension and construct beyond judicial prerogative to dismiss with prejudice a complaint having contradictory evidence that was ignored and of critical importance to constitutional issues of our day. For example regarding in particular the use of Patriot Act and other extreme legislations on the general public. Where the very issues of torture level pain used in investigations passes the standard of Johnson v. Glick test, that it shocks the conscience; that such unconstitutional treatment is being done to Petitioners and suffering both cruel and unusual punishment according to any established norms of our society. The long arm of the law must be the logic of the courts action as regards unconstitutional actions and violation of statute in its purest constitutional meaning. Petitioners have been surgically installed modified pacemaker devices like prisoner stun belts having energy sent remotely to them causing pain and proven by IEEE test in sworn witnessed affidavit exhibit in the original complaint, is a means of punishment and not investigation,

being unconstitutional and supported to be so by the common law:

a.) Prohibition of using electricity causing burning of the cells is considered cruel and unusual capital criminal punishments Wilkerson v. Utah.

b.) A punishment is cruel and unusual if it is excessive. Weems v. United States (1910). (Held.) Under color of law did violate constitutional rights in using invalid exercise of federal power Bell v. Hood, 327 U.S. 678 (1946).

c.) Where law enforcement officials are involved in conspiracy, victims are protected by the Fourth, Eighth, and Fourteenth Amendments. Furman v. Georgia, 408 U.S. 238 (1972).

d.) Excessive use of force may be punishable under 18 g. U.S.C. sections 241 and 242, discussed under article 2. to the United States Constitution and other statutes and Graham v. Connor, 490 U.S. 386 (1989). supports Petitioners and Davis v. Passman, 442 U.S. 228 (1979).

e.) Excludes Petitioners from the protection of federal statutes making them non citizens Trop v. Dulles 356 U.S. 86 (1958).

2. Denton v. Hernandez, 504 U.S. 25, 33 (1992) was cited by the appeals court in affirming the lower courts decision for failure to state a colorable claim and that claims made were based on meritless legal theory. Petitioners contend that citation is as an application of unconstitutional construction and extension beyond judicial prerogative, where that court ignores the fact that all of Petitioners causes of action and therefore as colorable claims are all based upon sworn affidavit. Where there is albeit a litany not of unsupported allegations without evidence, but of petitioner's definitions of the effects of the torture level pain witnessed by affidavit according to U.S. Code statutes; as they apply to relative effects. There are numerous rights and statutes that can be affected individually by different frequencies of electric and radio energy. Some energy frequencies heat where others can be used to cause deterioration of the body's cells, still others can cause mental confusion or sleep deprivation and even force a person to sleep; that torture level pain is involved of course they can shorten one's life or cause quick death from heart attack or stroke, not to mention the stress. So breaking a statute or deprivation of a right is related to the frequency methods used.

3. Where the citation of Denton v. Hernandez is cited by the appeals court to affirm dismissal, it did

not take into account the historical common law substantiating egregious acts that have occurred before, which, if such cases did not exist, a judge might find it could be "indisputable meritless legal theory" but such cases do illustrate the unlikely has happened in the past and Petitioner states is happening now; where the appeals court should have weighed such cases as issue together with Petitioners IEEE test information and admission by police of military complicity in the alleged attacks into the decision, to realize it was not and could "not" be an " indisputable meritless legal theory". Previous judicial decisions have been favorable to plaintiffs in similar cases where their was unconstitutional covert investigation! Those decisions were made in recognition that similar activities as described by Petitioners were not fantastical and delusional; but that victims of such deserve constitutional protection through decision, are cited as follows.

> a.) The right to determine what shall be done with your own body ...". Schloendorff v. Society of New York Hospitals, 211 N.Y. 125, 105 N.E. 92, 93 (1914).

> b.) As a general matter, in the United States, "[e]very human being of adult years or sound mind has a right to determine what shall be done with his own body ...". Schloendorff v. Society of New York Hospitals, 211 N.Y. 125, 105 N.E. 92, 93 (1914) and Furman v. Georgia, 408 U.S. 238 (1972).

4. Chambers v. Time Warner, Inc., 282 F.#d 147 152 (2d Cir. 2002): was cited for failure to state a colorable claim. Where the two parties involved presented to the court evidence documentation, the judge decided in favor of Time Warner based upon their validated documents having superior issues of authority. Petitioners state the citations application is an unconstitutional construction and extension beyond judicial prerogative where Petitioner's issue is that their witnessed affidavit validated evidence were ignored and documents of authority of the U.S. Constitution, U.S. Code, Common Law and New York State Legislation that the Suffolk County Police in complicity abrogated and relinquished to the higher legal authority of the military being the U.S. Government without public due process. This abrogation of Petitioners rights is contradicted by decisions In re Oliver 333 U.S. 257, 278(1948) and Ali Mari v. US Fourth Circuit Court of Appeals 06-7427.

5. Appeals Court Complaint Case # 06-5305 is a combined issue also being a virtual Habeas Corpus and conflicts with other federal appeal courts decisions thereby in similar circumstances; such as Al-Marri v. Wright 4th Cir. Court of Appeals Case # 06-7427, EL- Masri v. United States 4th Cir Court of Appeals Case # 06-1667 and "In re Oliver 333 U.S. 257, 278(1948).

6. The comparison of Petitioners to Al-Marri v. Wright is where Al-Marri is granted Habeas Corpus; albeit Petitioners are not being held, they have

witnessed sworn affidavit illustrating an admission by police that the a branch of the government being the U.S. Military was the culprit of the attacks.

7. Respondents violated the Constitution with a culpable state of mind by a sentence of cruel and unusual punishment without public due process, in a criminal conspiracy of premeditated murder by torture level pain. The original complaint mentions no judicially acting person mooting the issue of Respondents application towards immunity. Also their warrants and affidavits that Petitioners here allege must they believe, contain false facts and are hidden from Petitioners, preventing Due Process. Therefore Respondents prosecutorial and qualified immunities in "Protect America Act of 2007" Section 105 B-(L) are void by their fraud and malfeasance, and they are liable for suit beyond Kalina v. Fletcher 96-792, 522 U.S. 118 (1997) and Houston v. Partee 978 F. 2d 362 (7th Cir. 1992) also Respondents are also liable for suit for sabotaging Petitioners Securities and Exchange Commission IPO S-1 Filing.

a.) Petitioners will not need to encroach into "State Secrets Privilege" during a trial, because our original complaint has sufficient public domain evidence and exhibits ACLU v. NSA 06-2095/2140.

b.) Conscription or committing Petitioners for a law or clinical investigation using pain without custody or interrogation is torture

punishment without due process and violates the Patriot Act and 18 U.S.C. 242 and the 4th, 5th, 8th and 14th Constitutional Amendments and International Covenant on Civil and Political Rights Article 7. and In re Oliver 333 U.S. 257, 278(1948) and Ali Mari v. US Fourth Circuit Court of Appeals 06-7427. Where also it is unconstitutional to virtually hold a U.S. Citizen under patriot act legislation in abeyance of federal trial.

8. Respondents in the appeal court did cite Bivens v. Six Unknown Named Agents 403 U.S. 388 "1971". and is an admission of investigating Petitioners which validates the original complaints causes of action. That admission also contradicts the original courts dismissal. Though taking place during the appeal period of the case in question, can and should be understood to have been given as an issue in answer to Petitioners complaint, in that it is a part now, of discovery; as if the complaint has been allowed into the lower district court. That by such a fact may now be observed as an admission of guilt as to the allegations made by Petitioner. That such participation is admitted to, Petitioner contends, is in contradiction to the appeals court decision where there is allegation of torture level pain that can potentially cause death.

9. Our October 10th, 2007 petition for rehearing was denied and leaves Petitioners without remedy. Where that rehearing as Appendix B focused upon

the issue of the Suffolk County Police in complicity abrogating Plaintiffs New York State and Federal Constitution Civil Rights to the higher Authority of the United States Government. When upon telling those police of attacks by high tech weapons from neighbors, Petitioner was told inside the fourth precinct at the front desk where six officers, one being a woman and five male officers where one sitting behind the computer asked for the name and address and upon looking into the computer did say aloud "It's the military and there is nothing we can do about it or we will get into trouble." That both the lower court and appeals court ignored this issue is compounded by the rehearing petition being denied leaves Petitioners here without remedy regarding their original complaint that also is a virtual Habeas Corpus.

10. The foundation construct of the original complaint in its compensation asks that whether the attacks from United States Government are of any form, points out that they are punishment in Petitioners view. Such that is the case in this current day and age of enemy combatants, Petitioners under restraint can be described in comparison to prisoners with Stun Gun Belts. Petitioners are virtual enemy combatants under remote control restraint without the advantage of such as Ali Mari v. US Fourth Circuit Court of Appeals 06-7427 and RUMSFELD V. PADILLA (03-1027) 542 U.S. 426 (2004) and Khaled El-Masri v. United States of America No. 06-1613. Where those persons are able to have Habeas Corpus

applied because the fact they are being held is discernible and in need of legal remedy where we do not have the advantage of being held for recognition that unconstitutional issues exist because the torture device is for all purposes invisible, due "State Secrets Privileges" being involved. Such privileges is preventing any mention of our plight; we are at the mercy of the Supreme Court to grant us remedy; because as we see it the Supreme Court is the only authority that can oppose the higher legal framework responsible for our plight in being attacked as we are. We are in need for the court to admit that there is indeed actions against us and that we have such an unconstitutional status on us.

11. That American citizens can covertly be designated enemy combatants and have no remedy is unconstitutional. Especially when compared to the availability of a least some legal effort which officially held persons can obtain.

12. We have indicators that we have a status similar to being an enemy combatant under investigation. Where if some admission by the United States government as to our actual status were to come out, it would further support the witnessed affidavit evidence that the police said it was the military which is the United States Government, not to do so is unconstitutional where we have standing. However the "States Secret Privileges" and various portions of the Patriot Act unconstitutionally prevent a sufferer of such covert status of learning of it to

take effective legal action for remedy and require the Supreme Court to intercede.

13. As stated Petitioners believe they have been designated enemy combatants. As a result of that suspicion which cannot positively be ascertained by Petitioners, due to "State Secrets Privileges", the court is asked with our request and permission to review the record for all and any references to a status other than our having full constitutional rights, even where it is human experimentation or other form of investigation. That upon such view of the record to weight the issue, that our original complaint albeit a civil case is according to its compensation portion asking for a stop to the torture level pain and a release of records pertinent to Petitioners for rectification of these unconstitutional actions. As a parallel issue it is also asked that where the court upholds the constitutional rights of Petitioner's, that their decision reflect a remedy by finding for them so as to allow a full fleshing out of the issues in the lower court.

REASONS FOR GRANTING THE WRIT WHERE LEGISLATION ALLOWS THE UNITED STATES GOVERNMENT TO CONTINUE TO USE TORTURE PAIN AS A VIRTUAL EXECUTION DURING INVESTIGATION

1. This case represents the issues on which the Court's guidance is needed for the public at large to be protected where their constitutional rights are safeguarded..

2. Ongoing U.S. Governmental investigations affording "State Secrets Privilege" where National Security is potentially at risk and or "Qualified Immunity" prevents a court from exposing such activities despite the "standing" of a party even where injurious torture level pain is used must be prevented by judicial decision. Persons under the constitution dismissed with prejudice without there being actual technical merit deficiency of a plaintiffs complaint, during such investigations is unconstitutional as it constitutes actual punishment needs to be defined by this court by judicial decision to prevent such occurrences in lower courts. There are many persons reporting such activities and flies in the face of constitutional rights existing today and require codification as to such described investigations being permitted where there is no actual physical restraint; such issues where the public at large are at risk of befalling the same treatment needs to be addressed by this court to stem loss of respect for authority and preclude a tidal wave

of litigation; as well as tending to the unconstitutional encroachments of civil rights of persons by government in egregious ways.

3. Where such investigations as Petitioners describe being done to them and are a result of being designated a person under "Patriot Act" enemy combatant being investigated, there is by requirement a need for decision by this court of last resort for remedy, to define the limits of power such laws, legislation and policy can have over persons under the 5th and 14th Constitutional Amendments; where under them they are entitled to public due process and other rights until now. This highly controversial issue begs constitutional codification under consideration of the Johnson v. Glick test, as it shocks the conscience that such unconstitutional treatment is being done to Petitioners whom are suffering both cruel and unusual punishment according to any established norms of our society. Where the long arm of the law must be the logic of the courts action as regards unconstitutional actions and violation of statutes and the Patriot Acts constitutional expected limits and meaning.

4. If this writ is denied, a person covertly implanted with a ground positioning system device will result in not only allowing unconstitutional activity to be officially sanctioned by being unchecked, but will effectively eliminate all rights to privacy under the federal Bill of Right 1st, 4th, 5th , 6th and 9th amendments as if they do not exist from this

day forward.

5. If this writ is denied, a person covertly implanted with a torture level pain inducing system device, being virtually a punishment sentence in allowing such activity to go unchecked, will effectively eliminate all rights to Public Due Process or even Trial of any kind and also under the federal Bill of Rights the 4th, 5th 6th and 9th amendments as if they do not exist from this day forward.

6. If this writ is denied, a person covertly implanted with a torture level pain inducing system device, being virtually a punishment sentence in allowing such activity to go unchecked, will effectively eliminate all rights to Habeas Corpus under the federal Bill of Rights the 4th, 5th ,6th and 9th amendments as if they do not exist from this day forward.

7. Methods of virtual execution by investigation can be challenged and the actions of Respondent needs to be examined by the Supreme Court with regard to extant common law that contradict the acts themselves of causing extreme torture pain that can result in death, this according to the Ninth Circuit Court of Appeals has determined that a § 1983 action is in fact a proper vehicle by which to challenge a method of execution. Beardslee v. Woodford, 395 F.3d 1064, 1068 (9th Cir. 2005).

8. That any citizen as a person can be effectively conscripted is in contravention to the 2nd Amendment where, that the military and police are virtually quartered in ones home by being inside the persons body; such issue must be decided by the court

9. The Supreme Court, the court of last resort cannot permit activities where innocent citizens are picked from a list in secret and labeled, which takes away their rights as a citizen, to even have a chance of a trial or fight in a court for their life.

> Their due process rights stripped away, not even notified of being attacked; means in fact no rights at all.
>
> Not only are they tried, and sentenced to torture in absentia; they are forced to appear mentally ill and unstable. The fortunate who discover their circumstance are called crazy for even trying to get the matter of illegal implantation and torture into the courts.
>
> The judges touting that the victims case is wholly fantastical, when in essence it's not believed because it is so inhumane that nobody wants to believe or admit that it could be going on here in AMERICA.
>
> The right to live as well as sterilization, abortion, eugenics, intelligence and state of health are all at issue where they can all be

managed covertly even without a person knowing, where it virtually reduces us to the status of farm animals to the slaughter.

If allowed to continue by failing conscience and failing law, it will be by those that allowed it to happen.

We the people are no more than lab rats and farm animals where a variety of frequencies are causing single or multiple effects. From heating to decrease lifespan, heating and radio frequency to break down the cell structure to cause specific disease parameters, to heat stroke conditioning causing extreme pain, electric effects combined with radio energy resonance to cause lethargy or mental confusion or forced unconsciousness to sleep deprivation; all as a force to strip the body and nervous system to the breaking point resulting in a such effects as heart attack and stroke or syndromes and disease are our future. We in this country have been served well by our means of laws under God to make our decisions. It is up to our acts now to insure that the promise of God and man are upheld in the future that for this certiorari (volumus) (we wish) to be informed. This court must inform the future that there will be one, where you have the power to make it so!

The Supreme Court has here at issue, a writ of certiorari, that has merits that go to the very heart of its purpose.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

John Mecca, November 14, 2007
JOHN MECCA

Deborah Rae Lamb, November 14, 2007
DEBORAH RAE LAMB

PRO SE FOR Petitioner's
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DOCKET NO. _____

IN THE

Supreme Court of the United States

OCTOBER TERM, 2007

JOHN MECCA & DEBORAH RAE LAMB,
Petitioner's,

vs.

UNITED STATES OF AMERICA,
Respondent.

PROOF OF SERVICE
pursuant to 28 U. S. C. § 1746.

I, John Mecca, do swear,

or declare that on this date, November 14, 2007,

I, Deborah Rae Lamb, do swear,

or declare that on this date, November 14, 2007,

,as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED and PETITION FOR A WRIT OF CERTIORARI on

each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as Commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are:

Solicitor General of the United States
Paul D. Clement
Room 5614
Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530-0001

(Signature Petitioner John Macca

(Signature Petitioner Deborah Rae Lamb

APPENDIX'S A, B, C

APPENDIX A

(Page 1 of 5)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO SUMMARY ORDERS FILED AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY THIS COURT'S LOCAL RULE 32.1 AND FEDERAL RULE OF APPELLANT PROCEDURE 32.1. IN A BRIEF OR OTHER PAPER IN WHICH LITIGANT CITES A SUMMARY ORDER, IN EACH PARAGRAPH IN WHICH A CITATION APPEARS, AT LEAST ONE CITATION MUST EITHER BE TO THE FEDERAL APPENDIX OR BE ACCOMPANIED BY THE NOTATION: "(SUMMARY ORDER)." A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF THAT SUMMARY ORDER TOGETHER WITH THE PAPER IN WHICH THE SUMMARY ORDER IS CITED ON ANY PARTY NOT REPRESENTED BY COUNSEL UNLESS THE SUMMARY ORDER IS AVAILABLE IN AN ELECTRONIC DATA BASE WHICH IS PUBLICLY ACCESSIBLE WIHTOUT PAYMENT OF FEE (SUCH AS THE DATA BASE AVAILABLE AT HTTP://WWW.CA2.USCOURTS.GOV). IF NO COPY IS SERVED BY REASON OF THE AVAILABLITY OF THE ORDER ON SUCH A DATA

BASE, THE CITATION MUST INCLUDE REFERENCE TO THAT DATA BASE AND THE DOCKET NUMBER OF THE CASE IN WHICH THE ORDER WAS ENTERED.

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the city of New York, on the 17th day of August, two thousand and seven.

PRESENT:

UNITED STATES
COURT OF APPEALS
Filed AUG 17 2007
SECOND CIRCUIT

HON. GUIDO CALABRESI,
HON. REENA RAGGI,
HON. PETER W. HALL,
Circuit Judges.

John Mecca, Deborah Rae Lamb,
Plaintiff's-Appellants,

Nos. 06-5305-c,07-2621-op

The United States Government, and all its entities Federal, State, Local and and including all direct and or indirect government liaisons,

Defendants-Appellees.

For Plaintiffs-Appellants:

JOHN MECCA,
DEBORAH RAE LAMB,
pro se, Kings Park, N.Y.

For Defendants-Apellees:

DIANE LEONARDO BECKMANN, Assistant Untied States Attorney *for* Roslynn R. Mauskopf, United States Attorney for the Eastern District of New York (Varuni Nelson, *on the brief),* Central Islip, N.Y.

Appeal from the United States District Court for the Eastern District of New York (Seybert, J.).

UPON DUE CONSIDERTION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment of the district court granting summary judgment be hereby AFFIRMED.

Plaintiffs-Appellants John Mecca and Deborah

Rae Lamb appeal from the October 4, 2006

Memorandum and Order of the United States District Court for the Eastern District of New York (Seybert,J.) dismissing their complaint *sua sponte* pursuant to Fed. R. Civ. P. 12 (b)(6). Appellants also petitioned for a writ of mandamus, seeking to set an immediate, or substantially earlier, calendar date for oral argument in their appeal and seeking access to this Court:s records concerning the denial of their previous motions to expedite their appeal. On July 13, 3007, this Court issued an order referring the mandamus petition to this panel. We assume the parties' familiarity with the facts, procedural history, and issues on appeal.

The district court dismissed the complaint because it was "replete with fantastic and

delusional scenarios." we review such 12 (b)(6) dismissals *de novo, Chambers v. Time Warner, Inc.*,282F.3d 147,152(2d Cir.2002), and conclude that Appellants' claims were properly dismissed for failure to state a colorable claim. *See Denton v. Hernandez,* 504 U.S. 25, 33 (1992).

Accordingly, the judgment of the district court dismissing Appellants' complaint is AFFIRMED, AND Appellants' motion for a writ of mandamus is DENIED. Their motion to file a late reply brief is GRANTED, and all other outstanding motions in these cases are DENIED.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of the Courthouse

By:"s/ Lucille Carr"

APPENDIX B

(Page 1 of 2)

UNITED STATES COURT OF APPEALS FOR THE
SECOND CIRCUIT
THURGOOD MARSHALL U.S. COURT HOUSE
40 FOLEY SQUARE, NEW YORK, N.Y. 10007

Catherine O'Hagan Wolfe
CLERK OF COURT

Date:
Docket Number: 06-5305-cv
Short Title: Mecca v. United States of America

DC Docket Number: 06-cv-3492
DC: EDNY (CENTRAL ISLIP)
DC Judge: Honorable Joanna Seybert

As stated Term of The United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moyniham United States Courthouse, 500 Pearl Street, in the City of New York, on the 9th.. day of October two thousand seven.

Present:

UNITED STATES
COURT OF APPEALS
Filed OCT 10 2007
SECOND CIRCUIT

Hon. Guido Calabresi,
Hon. Reena Raggi,
Hon. Peter W. Hall,

APPENDIX B

CIRCUIT JUDGES.

John Mecca, Deborah Rae Lamb,
Plaintiffs-Appellants,

v. Docket No. :06-5305 -cv

The United States Government, and all its entities Federal,State, Local and including all direct and or indirect government liaisons,
Defendants-Appellees.

A petition for panel rehearing having been filed herein by Appellants John Mecca and Deborah Rae Lamb,

Upon consideration thereof, it is

ORDERED that said petition be and it hereby is DENIED

For the Court:
Catherine O'Hagan Wolfe, Clerk

By:"s/"_____
Motion Staff Attorney

APPENDIX C

(Page 1 of 10)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X
JOHN MECCA, DEBORAH RAE LAMB,
Plaintiffs,

-against-

MEMORANDUM AND ORDER
06-CV-3492(JS)(WDW)

THE UNITED STATES GOVERNMENT,
and allits entities Federal, State, Local
and including all direct or indirect
government liaisons,
Defendants.
----------X

Appearances:

For Plaintiffs:

John Mecca, pro se
Deborah Rae Lamb, pro se
119 Whittier Drive
Kings Park, New York 11754

For Defendants:

Diane C. Leonardo-Beckmann,
Esq. United States Attorneys'
Office 610 Federal Plaza
Central Islip, New York 11722

SEYBERT, District Judge:

Pending before the Court is pro se Plaintiffs' 112-page Complaint filed on July 17, 2006. For the reasons below, the Court dismisses the Complaint with prejudice.

BACKGROUND

To the best that this Court can parse from Plaintiff's unclear Complaint, the Plaintiffs allege that the Defendants assault them on a daily basis and deprive them of certain rights. Some offenses Plaintiffs complain of are invasion of privacy, fraud, torture, and "premeditated attempted murder." ("Compl.") ¶ 1.) The Complaint is rift with legal jargon and legalese. In several of the paragraphs of the Complaint, Plaintiffs sets forth a litany of

accusations against the Defendants without factual support.

In the opening paragraphs of the Complaint entitled the] "Nature of Action," Plaintiffs state

The "Federal Issues" before this Court are that Defendant has committed various offenses against Plaintiffs, those offences being invasion of privacy, FOIA APPEALS, criminally negligent omission, fraud, deprivation of rights, criminal conspiracy, torture, virtual kidnapping, human experimentation without consent, assault, premeditated attempted murder. Proven by evidence of deadly electric current, impossible to occur naturally and continually occurring in Plaintiffs bodies; where the detection and effect of the energy is by IEEE and Center for Disease Control standards.

(Compl. At 1.)

In another paragraph of the Complaint, Plaintiffs state

Defendants are guilty of keeping aide from reaching Plaintiffs. The following is proven prima facie evidence of Defendants having an "exclusive

capability politically" in that no other entity could effect containment so completely, in keeping officials from investigating Plaintiff's complaints . . . . Such power and authority of Defendants is borne of officially conducted fraud where the issues as a whole are weighed in accordance with the true meaning and spirit of the legislation breeched; where various Defendants as the issue here is stated acted on behest of official Defendant policy, "Title 18, U.S.C., Section 1001 Fraud and False Statements." Such comprehensive fraud Defendant has officially perpetrated precludes Defendant from invoking immunity under the Federal Tort Claims Act ("FTCA") or the "Tucker Act" absolving Plaintiffs from having to satisfy the procedural requirements of both; as such requirements cannot exist where Defendants fraud is the basis for all actionable causes of complaint by Plaintiffs of conspiracy to "commit fraud under and by official authority". Upon a foundation of fraud what can be lawful thereafter.

(Compl. At 51.)

Plaintiffs seek injunctive relief and monetary damages.

(Compl. 111-12.)

DISCUSSION

Because Plaintiffs proceed pro se, the Court reads the Complaint liberally. See Haines v. Kerner, 404 U.S. 519, 520-21, 92 S. Ct. 594, 30 L. Ed. 2d 652 (1972) (stating that pro se complaints are held to "less stringent standards than formal pleadings drafted by lawyers."); McEachin v. McGuinnis, 357 F.3d 197, 200 (2d. Cir. 2004) ("[W]hen the plaintiff proceeds pro se, .. . a court is obliged to construe his pleadings liberally,particularly when they allege civil rights violations."). At this stage of a proceeding, the Court must weigh in favor of a plaintiff the factual allegations in the complaint. See Denton v. Hernandez, 504 U.S. 25, 32, 112 S. Ct. 1728, 118 L. Ed. 2D 340 (1992). However,

the Court may dismiss a claim if the Court finds it is based on "indisputably meritless legal theory." Id.

District courts may dismiss a frivolous complaint sua sponte pursuant to Rule 12(b)(6) where the claims are found to be fantastic and delusional. See Tyler v. Carter, 92-CV-8658, 1993 U.S. Dist. LEXIS 15735 (S.D.N.Y. Nov. 5, 1993) (dismissing fee-paid complaint wherein plaintiff alleged that defendants ,including Jimmy Carter, Bill Clinton and Ross Perot, were responsible for murdering 10 million black women and selling their bodies for meat and leather products), aff'd without opinion, 41 F.3d 1500 (2d Cir.1994).

The in forma pauperis statute

> accords judges not only the authority to dismiss a claim based on an indisputably

> meritless legal theory, but also the unusual power to pierce the veil of the complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless. Examples of the latter class . . . are claims describing fantastic or delusional scenarios, claims with which federal district judges are all too familiar.

Denton v. Hernandez, 504 U.S. 25, 32, 112 S. Ct. 1728, 118 L. Ed. 2d 340 (1992) (quoting Neitzke v. Williams, 490 U.S. 319, 327-29, 109 S. Ct. 1827, 104 L. Ed. 2d 338 (1989)) (internal quotation marks omitted). "[A] finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them." Denton, 504 U.S. at 33. The Second Circuit has adopted this analysis even when the plaintiff is

not a prisoner or has paid the required filing fee. See Fitzgerald v. First E. Seventh St. Tenants Corp., 221 F.3d 362, 364 (2d Cir. 2000) (noting that "district courts are especially likely to be exposed to frivolous actions, and thus have an even greater need for inherent authority to dismiss such actions quickly in order to preserve scarce judicial resources"). As an initial matter, the Court notes that the Complaint does not name any specific Defendants. The listed Defendants in the caption of the Complaint are "The United States Government and all its entities Federal, State, Local and including all direct and indirect government liaisons." (Compl. at 1.) Whether these entities can be sued is questionable. Moreover, this Court

finds that the Complaint is replete with fantastic and delusional scenarios. This warrants dismissal of the Complaint with prejudice. See Fitzgerald, 221 F.3d at 363; Tyler, 1993 U.S. Dist. LEXIS 15735, at *540 ("A plaintiff asserting fantastic or delusional claims should not, by payment of a filing fee, obtain a license to consume limited judicial resources and put defendants to effort and expense.").

CONCLUSION

For all of the reasons stated herein, the Complaint is DISMISSED with prejudice. The Clerk of the Court is ordered to close this case.

SO ORDERED.

"s/ JOANNA SEYBERT

Joanna Seybert, U.S.D.J

Dated: Central Islip, New York
October 4, 2006

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(2)

FILED
MAR 12 2008
OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. 07-706

IN THE

Supreme Court of the United States

OCTOBER TERM, 2007

JOHN MECCA , DEBORAH RAE LAMB,
Petitioner's,
vs.
UNITED STATES OF AMERICA,
Respondent.

On Petition for Rehearing
to the Court of Appeal
for the Second Circuit

PETITION FOR REHEARING

JOHN MECCA and DEBORAH RAE LAMB
119 Whittier Drive,
Kings Park, NY, 11754
Telephone (631) 360-1557
March 12, 2008 PRO SE Petitioner's

QUESTION PRESENTED

Can the United States Supreme Court as a separate branch of government using State Department and Presidential definitions via "Lex Specialis" to interpret international agreements of the Convention Against Torture that was claimed for coverage by Petitioners in their inferior court case and the Geneva Conventions, hold that Respondents interpretation for treatment is lawful where Petitioners even as non-persons are treated as follows; where Petitioners are not being physically held in restraint by Respondent and are beyond the physical contact of the Respondent, yet are put into a compromised physical condition of disorientation by Respondent during "investigation or sentence of death"; through induced torture level pain, such that Respondent has prepositioned Petitioners where they have a predisposition of accidental death. Is such treatment permissible under those legislations. Such as the treatment is in essence Russian roulette.

This question is not disregarding the original questions of the prior Writ of Certiorari.

PREFACE TO GROUNDS FOR REHEARING

A.) Petitioners call attention to their original district court complaint 06-CV-3492 (JS) as exhibit, see (EXHIBIT -2- CAT reference 06-CV-3492) at the back of this Petition for Rehearing. It's importance as an intervening issue, is where it mentions "United Nations Decree, Convention Against Torture June 16, 2004 (CAT)" is claimed by then Plaintiffs now Petitioners to be coverage for their causes of action and as a federal question, as a law breeched by then Defendants now Respondents.

Where now in this Rehearing Petition the controlling way which it influences the postulation of the issues that its mere mention together with how it is portrayed to inveigle United States Constitutional breeches, statutory breeches and common law breeches is described in detail.

Coupled to that as a fact is the further separate exhibit see (EXHIBIT -3- INDEX ORIGINAL CASE 06-CV-3492 REFERENCING TO CAT) which is the Exhibit list with additional explanation of each exhibit that under penalty of perjury does example the facts truly and correctly in support of (EXHIBIT -2- CAT reference 06-CV-3492).

Additionally the true and correct exhibits referenced to (EXHIBIT -2- CAT reference 06-CV-3492) support that authorities the Plaintiffs complained to ignored their official written complaints and police reports of normally illegal activity on them; which fundamentally implicates those complained to as accessories in the attack activity in a culpable way, codified as being culpable Respondents by the linkage of the original case caption which rightly inveigles them as associates of Respondents. Where that caption of the original case is as follows:

> "Mr. JOHN MECCA,
> Ms. DEBORAH RAE LAMB,
>
> Plaintiffs,
> -against-
>
> *THE UNITED STATES GOVERNMENT and all its entities Federal, State, Local and including all direct and or indirect government liaisons.*
>
> Defendant,"

B.) Petitioners call attention to their original district court complaint 06-CV-3492 (JS) as exhibit, see (EXHIBIT -4- Inference for Geneva Convention coverage) it's importance as an intervening issue, is where it mentions the Geneva Conventions by consistent inference by mentioning prisoners of war, Guantanamo, USA PATRIOT ACT and international secret torture jails; with the effect of then Plaintiffs anticipation of its becoming evident during discovery as a result of for example that CAT be an allowable cause of action in that Plaintiffs were not in physical custody. Which as an issue towards such an allowance is detailed further on in this Petition for Rehearing that explains how CAT and the Geneva Conventions are an umbrella of protection against then Defendants now Respondents acts on Petitioners.

GROUNDS FOR REHEARING

1.) This petition for Rehearing opens with a letter from State Representative Jim Guest. His letter about victims of egregious electronic attack addressed to his Legislature is at the end of this petition see (Exhibit 1. Rep Jim Guest). It is an intervening circumstance which has a controlling effect, where his letter as informed representative contradicts the original district judge's dismissal with prejudice 06-CV-3492 (JS) (WDW) where Judge Seybert asserts then Plaintiffs now Petitioners expounded "meritless legal theory and were delusional in her dismissal with prejudice remarks recounted in Supreme Court Writ of Certiorari 07-706 in APPENDIX C, are impossible to reconcile with the remarks of the letter from the Representative. The judges remarks conflict also with historical records as well from the FOIA records of the United States government presented in the original complaint. An excerpt from that letter is as follows:

> *"we were testing these devices on Americans, many without their knowledge or consent. With the new revelations of the cancer risk besides the privacy and human rights problems with the use of Verichip and RF signals, I am asking for your help in stopping these abuses and aiding those already affected."*

The knowledgeable Rep. Jim Guest's letter exhibit is prima facie evidence that the judge's decision in the original case and affirmation by the appeals court are necessarily mediated by it's statement as a correction to those courts mistaken opinion; that being tortured by remote control is possible and disproves remarks of the Judge in complaint 06-CV-3492 as follows:

> *"District courts may dismiss a frivolous complaint sua sponte pursuant to Rule 12(b)(6) where the claims are found to be fantastic and delusional"*

Further remarks from the judge in CV-3492 espouse incorrectly that Plaintiffs engaged in "meritless legal theory" where the issue now is that Rep. Jim Guest's letter authoritatively and clearly contradicts that opinion to the degree logical minds bent on justice would have allowed discovery under FRCP V.- Rule 26.-(b), where plaintiffs proved with an IEEE test that they are being tortured :

> *" The in forma pauperis statute accords judges not only the authority to dismiss a claim based on an indisputably meritless legal theory, but also the unusual power to pierce the veil of the complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless. Examples of the latter class . . . are claims describing fantastic or delusional scenarios, claims with which federal*

district judges are all too familiar."

2.) Plaintiffs now Petitioners have had their several Constitutional and International United Nation "Convention against Torture" (CAT) rights abrogated by the courts, where they were claimed by then Plaintiffs; is an intervening circumstance that has a controlling effect now supporting rehearing; where Petitioners then Plaintiffs are quoted below in their lower court complaint, for their claim of coverage by CAT in an excerpt from exhibit see (EXHIBIT -2- CAT reference 06-CV-3492) it's partial verbatim text is as follows:

> *"3. Legislation breeched:*
> *United Nations Decree CAT (Convention Against Torture June 16, 2004) of which the United States is a signatory and requirement of domestic adherence.*
>
> *A.) Plaintiff's invokes the above signatory status of Defendants regarding Defendants committing torture on Plaintiffs. Defendants claim in public to be against torture, but have a track record of doing such activity. Defendants have the following pattern of exclusive capability in carrying out and attempting to conceal their torture of Plaintiffs."*

The afore mentioned quote illustrates how Plaintiffs rights under CAT were ignored by the court in contravention also to Petitioners rights for discovery under FRCP V.- Rule 26.- (b).

Where Respondents claim CAT does not apply regarding "non persons" without rights as Prisoners or they're under Patriot Act Investigation, the issue is that a prisoner is held physically against their will. As Plaintiffs now Petitioners are not being physically held against their will as a prisoner

they therefore have CAT rights.

Petitioners have the support of a recent District Court decision by affirming the CAT. In the U.S. District Court for the Middle District of Pennsylvania, in case Khouzam v. Hogan 3:CV-07-0992; where the decision in that petition was found for the Petitioner, regarding his legal right not be to extradited to Egypt where he had been tortured. The Judge in that case

Thomas I. Vanaskie the United States District Court made remarks that clearly underscore and uphold the CAT in the quote from him as follows:

> *"Not even the President of the United States has the authority to sacrifice on the alter of foreign relations the right to be free from torture"*

Such a decision is relevant to illustrate Petitioners do have CAT rights over the objections of the current administrations directives not to hear torture cases and over the implied restriction of current legislation used to enforce refusal to hearing such cases as well, such as the Patriot Act and Anti terrorism and Effective Death Penalty Act of 1997.

A further intervening circumstance is where Respondents then Appellees in their response brief in Appeals Court case 06-5305-cv cited Bivens v. Six Unknown Fed Narcotics Agents, 403 U.S. 388 "1971" (Bivens), which now has a controlling effect whereby Bivens being cited does ignore Plaintiffs then Appellants and now Petitioners CAT rights in light of then Plaintiffs allegation of torture. The action of cruel and unusual punishment as the issue of the original district case is claimed by then Defendants by citing Bivens to be statutorily covered for qualified immunity during their investigation of Plaintiffs; is a

contradiction not only of Petitioners rights under CAT, but also of the Geneva Convention even with wide interpretation using Lex Specialis interpretations. Not even with Lex Specialis interpretation of CAT can preclude Petitioners coverage by it or the Geneva Convention's, because the Plaintiffs then Appellants now Petitioners are not in physical custody restraint and exposing Petitioners to accidental harm. Such activities by Respondent cannot be sanctioned by any interpretation of CAT or the Geneva Convention's despite any Lex Specialis interpretation.

3.) Petitioners swear as a matter of defining themselves under penalty of perjury they are not, nor have they been or known themselves to be, advocating an overthrow of the United States Government, nor have or had any such relationship with a terrorist group, nor foreign power, nor have Petitioners engaged in training by terrorist groups or foreign power, nor knowingly contributed materially or in any way shape or form to any such afore mentioned entities or causes, and are therefore entitled to the Coverage of both CAT and the Geneva Convention's, where it's coverage relates to then Plaintiffs now Petitioner in prohibiting torture and cruel and unusual punishment of themselves.

The State Department's and Presidential definitions via "Lex Specialis" in interpreting international agreements of the Convention Against Torture and the Geneva Conventions as regard Petitioners, even as non-persons cannot allow that they are treated as follows; where they are not physically held in restraint by Respondent and also are beyond the physical control of the Respondent, where they are put into a compromised physical condition of disorientation by Respondent during *"investigation or sentence of death"* through remote control induced torture level pain. Where as well Respondent in prepositioning

Petitioners cause torture level pain and physiology alteration that can also cause heart attack, stroke and death as well as disease such as cancer, is in effect little to any guarantee Petitioners will not have as a direct result, an instant death. As well it being similar to Petitioners being set down in speeding traffic disoriented for a not guaranteed accidental death.

Respondents Lex Specialis interpretation of the Geneva Convention regarding permissible treatment of Petitioners must be restricted by this court and grant Rehearing, due to Respondents actions upon Petitioners being "*without sufficient control for a predictable outcome*", regarding Petitioners allegations of Respondents treatment of them, during investigation, arrest or sentence to death. To do otherwise would be to contradict the limitations of Lex Specialis as to what can be done under the Geneva Conventions governing the treatment of prisoners and would allow for the wholly unpredictable equivalent of Russian roulette like activities.

4. United Nations agreements on Human Rights that apply where Petitioners are eligible for other claims of coverage:

> "(1.) Covenant on Civil and Political Rights Article's 1-53 "

Which makes it a crime to do human experimentation on Petitioners.

> "(2.) Optional Protocol to the Covenant on Civil and Political Rights Article's 1- 14"

Respondents are in contravention to them.

Respondents, as the United States, being signatory to CAT and the Geneva Conventions cannot legally abrogate the rights entirely of persons or entities (not persons) as it so desires, to the degree that its actions under those International agreements are allowed to cause Petitioners accidental death as a part of lawful investigation or even sentence to death. Respondents are like a cat, toying with a mouse, until accidental death from trauma occurs and it is purposeful negligence, cruel and unusual punishment which will alienate all civilized peoples and by that effect their nations as well.

The United States cannot opt out of international treaty obligations, conventions, covenants and legal relationships of international law of which it is a signatory, because without these rules of law; international relationships will not just deteriorate but disappear.

Such a departure from the rule of law by the Respondents as United States will herald to the world they are unpredictable and by that, dangerous to the international community comprised of countries that do abide by their agreements both political and in business as well.

It cannot come to pass that United States courts do not honor International Conventions to which the United States is a signatory, otherwise the authorities of this country will be training their personnel to be as conscienceless animals, such a dilemma here is for the courts to weigh their perspective carefully so as not to allow this affront to the National Conscience to continue; by finding that such treatment of human entities is unacceptable for Respondent to engage in. To allow such interpretation of law will make it plain that there are no laws, if unchecked this behavior will reinforce a pattern that might is right, erasing the scales of justice from our country.

The Supreme Court has here at issue, a Petition for Rehearing, that has merits that go to the very heart of its purpose.

CONCLUSION

The Petition for Rehearing should be granted.

Respectfully submitted,

John Mecca March 12, 2008

JOHN MECCA

Deborah Rae Lamb, March 12, 2008

DEBORAH RAE LAMB

PRO SE FOR Petitioner's
119 Whittier Drive, Kings Park, NY, 11754 Telephone (631) 360-1557

(Exhibit -1- Rep Jim Guest)

(Exhibit -1- Rep Jim Guest)

THE GREAT SEAL
OF THE
STATE OF MISSOURI

October 10, 2007
Dear Member of the Legislature and Friends:

This letter is to ask for your help for the many constituents in our country who are being affected unjustly by electronic weapons torture and covert harassment groups. Serious privacy rights violations and physical injuries have been caused by the activities of these groups and their use of so-called non-lethal weapons on men, women, and even children.

I am asking you to play a role in helping these victims and also stopping the massive movement in the use of Verichip and RFID technologies in tracking Americans.

Long before Verichip was known we were testing these devices on Americans, many without their knowledge or consent. With the new revelations of the cancer risk besides the privacy and human rights problems with the use of Verichip and RF signals, I am asking for your help in stopping these abuses and aiding those already affected. Your attendance is therefore requested at a conference call regarding these issues on Monday, October 29, at 11 am EST. After a period of brief presentations, we will have a discussion of these issues with the intent of creating a way forward toward solutions. Here is the call-in information:

TIME/DAY: Monday, October 29, 11 am EST

CALL-IN NUMBER: 1-605-475-8590
ROOM NUMBER: 5888200

To R.S.V.P. or for questions, please call: 1-817-269-0301

Sincerely,

/s/ JIM GUEST

Rep. Jim Guest

District Office: 660-535-6664
Capitol Office: 573-751-0246

-end of exhibit 1-

(EXHIBIT -2- CAT reference 06-CV-3492)

(EXHIBIT -2- CAT reference 06-CV-3492)

3. Legislation breeched:
United Nations Decree CAT (Convention Against Torture June 16, 2004) of which the United States is a signatory and requirement of domestic adherence.

A.) Plaintiff's invokes the above signatory status of Defendants regarding Defendants committing torture on Plaintiffs. Defendants claim in public to be against torture, but have a track record of doing such activity. Defendants have the following pattern of exclusive capability in carrying out and attempting to conceal their torture of Plaintiffs.

> Defendants have broken the above law! Defendants have broken the above law! Plaintiffs cite that they have been attacked by Defendants using sophisticated electronic devices (see exhibits 6-a-o, 7-a-c, 15-a-c) was confirmed proven by (see exhibits 11-a-d) illustrating Plaintiffs have been caused symptoms of exposure to electronic emissions causing discharge of electric current into Plaintiffs tissue and that is at times well above safe standards recognized by IEEE standards and the Center for Disease Control; a fact is that Defendants have "exclusive capability technologically" in being able to do such things on Plaintiffs and torture them. Such torture effects cause not only diminished immune system but by Defendant choosing specific frequencies can cause various changes besides tortuous pain such as extreme lethargic reactions akin to Plaintiffs being held against their will unable to move, as if your body, mind, soul and health have

been kidnapped and loss of rights to privacy . Defendants have a track record of illegal behavior in breaking law and causing illness, disease and death; supporting the issue that they have such predisposition of doing illegal activities to Plaintiffs (see exhibits 2-a-h) where such exhibits illustrates Defendants "modi operandi" as proven prima facie evidence by Defendants having an "exclusive capability technologically" in doing such things on Plaintiffs in torturing them. Defendants have a track record of such behavior in breaking the law and causing illness, disease and death, supporting the issue that they have such predisposition of doing illegal activities; amounting to a fingerprint identifying Defendant as the guilty party in illegally affecting adversely and torturing Plaintiff as virtual terrorists. Such power and authority of Defendants is borne of officially conducted fraud where the issues as a whole are weighed in accordance with the true meaning and spirit of the legislation breeched; where various Defendants as the issue here is stated acted on behest of official Defendant policy, "Title 18, U.S.C., Section 1001 Fraud and False Statements". Such comprehensive fraud Defendant has officially perpetrated precludes Defendant from invoking immunity under Federal Tort Claims Act ("FTCA") or the "Tucker Act" absolving Plaintiffs from having to satisfy the procedural requirements of both; as such requirements cannot exist where Defendants fraud is the basis for all actionable causes of complaint by Plaintiffs of conspiracy to "commit fraud under and by official authority". Upon a foundation of fraud what can be lawful thereafter.

B.) Plaintiff's invokes the above signatory status of Defendants regarding Defendants committing torture on Plaintiffs. Defendants claim in public to be against torture, but have a track record of doing such activity. Defendants have the following pattern of exclusive capability in carrying out and attempting to conceal their torture of Plaintiffs.

Defendants are guilty of keeping aide from reaching Plaintiffs. The following is proven prima facie evidence of Defendants having an "exclusive capability politically" in that no other entity could effect containment so completely, in keeping officials from investigating Plaintiff's complaints (see exhibits 2-a-h); amounting to a fingerprint of identifying Defendant as the guilty party interfering with those Plaintiffs made complaints to including police; causing those Plaintiffs wrote to or called asking for help in stopping illegal torture to fail to respond or say that their office had nothing to do with it and could not help, amounting to a fingerprint identifying Defendant as the guilty party in illegally affecting adversely and torturing Plaintiff as virtual terrorists. Such power and authority of Defendants is borne of officially conducted fraud where the issues as a whole are weighed in accordance with the true meaning and spirit of the legislation breeched; where various Defendants as the issue here is stated acted on behest of official Defendant policy ,"Title 18, U.S.C., Section 1001 Fraud and False Statements". Such comprehensive fraud Defendant has officially perpetrated precludes Defendant from invoking immunity under Federal Tort Claims Act ("FTCA") or the "Tucker Act" absolving Plaintiffs from

having to satisfy the procedural requirements of both; as such requirements cannot exist where Defendants fraud is the basis for all actionable causes of complaint by Plaintiffs of conspiracy to "commit fraud under and by official authority". Upon a foundation of fraud what can be lawful thereafter.

C.) Plaintiff's invokes the above signatory status of Defendants regarding Defendants committing torture on Plaintiffs. Defendants claim in public to be against torture, but have a track record of doing such activity. Defendants have the following pattern of exclusive capability in carrying out and attempting to conceal their torture of Plaintiffs.

Defendants are guilty of preventing FOIA/FOIL and APPEALS from being answered to Plaintiffs. The following is proven prima facie evidence of Defendants having an "exclusive capability of authority and its permitted exemption" that no other entity could effect, in preventing Plaintiffs from obtaining FOIA/FOIL and Appeals information and where Plaintiffs have found such information from Defendants own sources on the internet is illustrated by see exhibit (see exhibits 15-a-c) together with smoking gun political acknowledgements that implants are being used (see exhibits 7-a-e), again amounting to a fingerprint identifying Defendant as party in illegally affecting adversely and torturing Plaintiff as virtual terrorists. Such power and authority of Defendants is borne of officially conducted fraud where the issues as a whole are weighed in accordance with the true meaning and

spirit of the legislation breeched; where various Defendants as the issue here is stated acted on behest of official Defendant policy, "Title 18, U.S.C., Section 1001 Fraud and False Statements". Such comprehensive fraud Defendant has officially perpetrated precludes Defendant from invoking immunity under Federal Tort Claims Act ("FTCA") or the "Tucker Act" absolving Plaintiffs from having to satisfy the procedural requirements of both; as such requirements cannot exist where Defendants fraud is the basis for all actionable causes of complaint by Plaintiffs of conspiracy to "commit fraud under and by official authority". Upon a foundation of fraud what can be lawful thereafter.

D.) Plaintiff's invokes the above signatory status of Defendants regarding Defendants committing torture on Plaintiffs. Defendants claim in public to be against torture, but have a track record of doing such activity. Defendants have the following pattern of exclusive capability in carrying out and attempting to conceal their torture of Plaintiffs.

Defendants are guilty of preventing Plaintiffs from obtaining health, peace, tranquility, general welfare. The following is proven prima facie evidence of Defendants of having an "exclusive capability in Secrecy for investigation and Wavier of Consent for experiment" that no other entity could effect, where such power is a way to officially sanction Plaintiffs for various experimental investigative purposes is illustrated by (see exhibits 4-a-m); by such self alleged permission Defendant gains control over

Plaintiff's health and welfare, again amounting to a fingerprint identifying Defendant as the guilty party in illegally affecting adversely and torturing Plaintiff as virtual terrorists. Such power and authority of Defendants is borne of officially conducted fraud where the issues as a whole are weighed in accordance with the true meaning and spirit of the legislation breeched; where various Defendants as the issue here is stated acted on behest of official Defendant policy, "Title 18, U.S.C., Section 1001 Fraud and False Statements". Such comprehensive fraud Defendant has officially perpetrated precludes Defendant from invoking immunity under Federal Tort Claims Act ("FTCA") or the "Tucker Act" absolving Plaintiffs from having to satisfy the procedural requirements of both; as such requirements cannot exist where Defendants fraud is the basis for all actionable causes of complaint by Plaintiffs of conspiracy to "commit fraud under and by official authority". Upon a foundation of fraud what can be lawful thereafter.

E.) Plaintiff's invokes the above signatory status of Defendants regarding Defendants committing torture on Plaintiffs. Defendants claim in public to be against torture, but have a track record of doing such activity. Defendants have the following pattern of exclusive capability in carrying out and attempting to conceal their torture of Plaintiffs.

Defendants are guilty of preventing Plaintiffs from obtaining relevant medical help. The following is proven prima facie evidence of Defendants of

having an "exclusive capability of influencing medical authorities" that no other entity could effect, by way of Defendants having a proven track record of preventing targeted persons from discovering they were being used as subjects; as well as Defendants instructions and techniques to prevent targeted persons that are being used experimentally from receiving medical help (see exhibits 2-a-h, 3-a-d); such are untenable allowances under the circumstances where Plaintiffs are being tortured. Again amounting to a fingerprint identifying Defendant as the guilty party in illegally affecting adversely and torturing Plaintiff as virtual terrorists. Such power and authority of Defendants is borne of officially conducted fraud where the issues as a whole are weighed in accordance with the true meaning and spirit of the legislation breeched; where various Defendants as the issue here is stated acted on behest of official Defendant policy, "Title 18, U.S.C., Section 1001 Fraud and False Statements". Such comprehensive fraud Defendant has officially perpetrated precludes Defendant from invoking immunity under Federal Tort Claims Act ("FTCA") or the "Tucker Act" absolving Plaintiffs from having to satisfy the procedural requirements of both; as such requirements cannot exist where Defendants fraud is the basis for all actionable causes of complaint by Plaintiffs of conspiracy to "commit fraud under and by official authority". Upon a foundation of fraud what can be lawful thereafter.

"All decisions by this court in regard to this independent cause of action are requested to be

given in written opinion form for purpose of appeal should dismissal of this independent cause of action occur."

-end of exhibit 2-

(EXHIBIT -3- INDEX ORIGINAL CASE 06-CV-3492 REFERENCING TO CAT)

(EXHIBIT -3- INDEX ORIGINAL CASE 06-CV-3492 REFERENCING TO CAT)

2.) EXHIBIT of Human experimentation activity, exemplifying Defendants illegal activity!

"Where complaint references the top hierarchical number of an exhibit only, it is to indicate that the reader be directed to all the sub exhibits description and where necessary the actual exhibit itself".

a.) MK-ULTRA Senate Subcommittee Investigation Hearings into Central Intelligence Agency illegal experiments with LSD and other psychoactive drugs, beating and coercion of unwitting subjects without consent. Placed as Exhibit to illustrate a pattern of abuse through covert experimentation resulting in at least one

MK-ULTRA is known to have caused the death of an FBI agent by committing suicide. some suggested was actually a part of the intended result. The reference illustrates that

b.) Tuskegee two separate articles

c.) LEAA,

d.) Radiation & Plutonium injection experiments,

e.) MK-ULTRA evidence of using electronic implanted permanent devices.

f.) In the Name of Science a book written by active PHD Professor at a State University.

Reference outlines human experimentation causing death of many subjects and repeated illegal conduct over many decades illustrating Defendants wanton disregard to life limb and the law which will be quoted in the court verbally.

g.) U.S. News and World Report article supporting evidence Defendant has been active in illegal activities historically.

h.) Further details of Defendants octopus activities in human training to blow up things under brain washed amnesia.

3.) Training Defendants by Defendants to prevent chosen targeted persons from discovering they were being used as subjects; as well as Defendants instructions and techniques to prevent such targeted persons from receiving medical help; this was done in several of Defendants officially sanctioned illegal and criminal program activities. MK ULTRA documents outlining instructions of preventing potential Plaintiffs from discovering they are targeted by Defendants.

"Where complaint references the top hierarchical number of an exhibit only, it is to indicate that the reader be directed to all the sub exhibits description and where necessary the actual exhibit itself".

a.) MK-ULTRA documents of instructions of how to lie, cheat and steal in order to keep subjects from obtaining help from medical or other authorities.

b.) More directives from Defendants agencies using every trick in the book to continue to do illegal activities with details of using microwaves on US citizens.

c.) Defendants continued illegal acts including using children as well.

d.) Reintroduction of exhibit (2 (a-h)).

4.) Law Enforcement and other agencies have statutory

permissions of investigative power and allowance to, lie to keep an investigation secret, withhold records by omission where an investigation is ongoing or pendant; presented as an exhibit in acknowledgement that such power can be used to cover-up criminal activities of law enforcement personnel in officially sanctioned acts.

"Where complaint references the top hierarchical number of an exhibit only, it is to indicate that the reader be directed to all the sub exhibits description and where necessary the actual exhibit itself".

a.) TITLE 5 PART I CHAPTER 5 SUBCHAPTER II § 552

b.) TITLE 50 CHAPTER 36 SUBCHAPTER I Sec. 1805. Sec. 1805. - Issuance of order

c.) Exhibit: Secret covert policy collaboration of airline "industry" working as virtual government agents, where the entire airline industry used lists from government to refuse such people from flying, among the notables who was refused to be allowed to board four separate flights was Senator Edward Kennedy. This Exhibit inclusion demonstrates a conspiracy between government and an entire industry to affect individuals lives thus such by example can as is suspected that the medical community is now as well being subjected to a similar order where subjects whom are for whatever reason are implanted with electronic tracking devices that injure the person are under a similar pressure from so called "national security" regulations or cautions from authorities not to help

such persons, and therefore as a parallel to the airline industry circumstantially indicts authorities not with preventing people to fly but from alleviating torture which can cause immune system depreciation and disease or death, such is illegal, criminal and possibly treason.

d.) Exhibit: Patriot Act where breeches of its limits and extremes are examined by public article. Included to illustrate that legislation is constantly continuously abused and that one can circumstantially draw the conclusion that policy of administrators laxity contributes to these and possibly to the abuse of Plaintiff directly.

e.) Exhibits of Federal Intelligence Surveillance Agency defined directives and an article outlining serious division between FISA and the DOJ as to overlapping enforcement policy here used as critical reference outlining the official power, authority and capability to grant permissions to various law enforcement authorities to conduct surveillance according to such. Furthermore from news, legal archives, abuse of power and false profiling being reported have and will occur due to dependence and excessive trust in those that use FISA permission investigation powers as well as the Department of Justice and its associates including Homeland Security and its associates.

illustrating that such permissions are only as valid, legal and patriotic as the law enforcement officer or petitioner seeking permission to conduct surveillance under such legislative authority creates.

a legitimate profile of any targeted person; wherein such profiles can be extensions of personal fishing expeditions, bolstering budgets, treasonous purposes, criminal purposes where incorporating excessive force through high technology can cause harm to the targeted individual such as Plaintiff.

f.) Exhibits of interrelation between the Department of Defense and the Department of Justice illustrating the cohesive transfer of military and covert intelligence technology to the Department of Justice. Where Plaintiff can as a result be subjected to such as complaint states. The reference additionally illustrates that unethical, illegal and potentially treasonous activity is and has been potentially going on with regard to Plaintiff ,maybe being affected by authorities behavior in using such devices as have been technology transferred to the DOJ and subsequently to other law enforcement agents and their associates.

f.) Exhibit: Newspaper article from the "Washington Post" apprising the public of the agreement for allowance to transfer technology from the Dept. of Defense to the Dept. of Justice. This illustrates that the law enforcement community at large together with their associates and other agencies as well have had high technology given where it being military in nature may have been and can be proven to have proprietary military secret engineering such as is possible to manufacture implants with capabilities beyond what is commercially known and

available to the public involved in regards to Plaintiffs complaint.

II.) Exhibit: Memorandum Of Understanding underscoring the issue that high technology is being used by various law enforcement agencies and their associates and that further the color of indications with regard to such technology being used requiring doctors and dentists to install becomes relative as to the device type and assertion as to need by any such operative with such technology to have elected Plaintiff to use such technology on her; especially when the trend of law enforcement in its abuses and infiltration by foreign agents is well documented in the public record of any law document archive with federal court documents available.

III.) Exhibit: National Law Enforcement and Corrections Technology Center reference illustrating the development and implementation of technology and its deployment into various agencies potentially finding its way to having been used on plaintiff. Furthermore the NLECTC faith to consider embarked upon technologies of an implanted nature for incapacitating inmates as part of their study. To which Plaintiff in researching capability as to incapacitating a person can assert that as per understanding only general and superficial information it is obviously possible to have a radio controlled

output from an Radio Frequency Interference Device charge a capacitor within such a simple circuit and discharge into brain or nervous system to cause various in capacitance of an individual further illustrating Plaintiff could be a target of such a devices that seem to those not professional in such art as simple and have in fact been demonstrated in books and references throughout the subject of " history of mind control books" as a topic in books available on the internet, Amazon.com and the Library of Congress.

g.) Department of Energy, ACHRE Report "Secrecy and Wavier" outlining how Defendants claim the right to do covert experiments and informed consent in secret research can be waived. On web page
http://www.eh.doe.gov/ohre/roadmap/achre/summary.html

h.) Threat Assessment Program outlining instructions for Federal, State and Local authorities investigational techniques where such authorities are educated as to use of staged intersection with persons under investigation to influence them through such environment being modified.

i.) Law enforcement program investigation methods utilizing neighbors surrounding area around a person under investigation as virtually deputized as informants. Such actions of using neighbors is a way of turning such people against a person being

investigated; its well known many investigations are mere fishing expeditions and yet they do damage to relations between the neighbors involved in this tactic.

j.) Federal, State and Local authorities planned programs of implanting tracking devices and other technical capabilities.

k.) Defendants agency with written matter educating the public as to their illegal allowance to do covert harmful experimentation. Other remarks are from Supreme Court Judges pertinent to Defendants illegal acts against a U.S. citizen where such remarks were that such Plaintiffs should be afforded compensation for such abuse.

l.) Bioethics Advisory report outlining in particular that Defendants associates such as IRB's (Institutional Review Boards) are allowed to experiment on humans and waive consent requirements to do such things covertly.

m.) Defendants statutes for implementation of DOD technology, logistics and support to civilian authorities. Where the issue is that only Defendant has the capability to do those things described by Plaintiffs in this complaints "Discussion". Two citations in regards to this are and ,

6.) Defendants exhibits of their sophisticated electronic devices.

"Where complaint references the top hierarchical number of an exhibit only, it is to indicate that the reader be directed to all the sub exhibits description and where necessary the actual exhibit itself".

a.) For decades animals have had tiny implanted transmitters surgically installed in their bodies and tracked by satellite surveillance. Illustrating that the utterances of Law enforcement that such technology is new and suddenly understood only by the recent appearance of the Verichip Corp's GPS device "digital angel" a planned theatric to make the issue appear as if they only now have such capability; whereas such implanted tracking of individuals has been covertly done for decades by " Special Agents" whom have authority to do such bugging.

b.) Verichip Corp, subsidiary Applied Digital Inc. article about the digital angel GPS for tracking humans and has former Health and Human Services Head Tommy Thompson on the board of directors; mentioned where such technology seems well known to highly placed authorities involved with a US Government agency once reported engaged in not only implanting the homeless but other stories indicate a nationwide implanting of newborns mentioned by the retired chief health officer of Finland.

c.) Former Chief Medical Officer of Finland Rauni-Leena Luukanen-Kilde, MD
December 6, 2000. Detailed knowledge from her about secret testing of implanted microchip devices makes it abundantly clear that such activity was being done by the United States long ago and today.

d.) Cochlear implant and brain stem hearing implant can and are believed to be used by Defendant as attack weapons on victims, implanted covertly and manufactured entirely of plastic and conductive plastic to evade detection by medical scans showing us as identical to human tissue and bone.

e.) Evidence that Defendant has been able to incorporate conductive plastic in implanted in the body devices making them invisible to medical scan detection.

f.) Defendants FBI, DOJ and associates bragging appropriately about their ability and knowledge to manufacture devices for covert tracking of targeted individuals as well as a NON-DETECTABLE transmitter. Such exhibits illustrate Defendants capability according to their mandate of excellence in spy technology to for example manufacture a device for in the body installation in the ear for example, which it transmission frequency cannot be detected by electronic methods and cannot be imaged by medical devices because of its being fabricated by conductive plastics.

g.) Neural chip for reading brainwaves touted as able to read minds. Again with Defendants intelligence community and all resources mandated to provide excellence in gathering information such devices are in Defendants tool kit of MK-ULTRA activity.

h.) Transmitter communications for implanted devices. Again with Defendants intelligence

community and all resources mandated to provide excellence in gathering information such devices are in Defendants tool kit of MK-ULTRA activity.

i.) Devices for installation in the body able to deliver shocks of electrical discharge remotely. Again with Defendants intelligence community and all resources mandated to provide excellence in gathering information such devices are in Defendants tool kit of MK-ULTRA activity.

j.) Mentions specific use of satellite communication radio frequency transmitters have alternate use as radio beam weapons. So Defendant in DOD sharing with DOJ programs are testing such devices to communicate a cell phone conversation to a person and then use the same transmission to zap them with intense bursts of energy. Again with Defendants intelligence community and all resources mandated to provide excellence in gathering information such devices are in Defendants tool kit of MK-ULTRA activity.

k.) Mentions specific technical capability to use a radio frequency beam to hit a target on earth to injure or destroy it or for secure communications. Such technical capability purports to allow such hybrid energy to overcome previous limitations of physics related technical problems to be able to hit a far away target with the energy not dissipating along the way from divergence or diminishment of absorption. So Defendant in DOD sharing with DOJ programs are testing such devices to locate a person implanted covertly with a GPS and then use the

location coordinates to zap them with intense bursts of energy. Again with Defendants intelligence community and all resources mandated to provide excellence in gathering information such devices are in Defendants tool kit of MK-ULTRA activity.

l.) Defendants SEIZURE GUN operating using radio frequency to heat the person not only so that a seizure is induced, DEFENDANT is using such devices and their hybrids at continual lower level. Recognize also such output energy is possible to cause an implant in the body to output causing heat stroke, delirium along with immune system destruction.

m.) Set 1 DOD and DOJ, NIJ so called non-lethal weapons technologies.

n.) Set 2 More DOD and DOJ, NIJ so called non-lethal weapons technologies with numerous official citations of Defendants associates.

o.) Set 3 More DOD and DOJ, NIJ so called non-lethal weapons technologies with numerous official citations of Defendants associates. Comprised of US News and World Report article together with DOD, DOJ, Police Department official citations regarding highly sophisticated technical devices and patents pointing to Defendant and its myriad organizations working albeit it separately but in great concert together, where invariably the culmination of such work leads to testing of such technologies by Defendant and associates apparently on Plaintiffs.

7.) Mind Control Technology. Exhibits of implant able microchips to track animals for decades and people; together with additional related supporting technical references, such as the capability to use polymer conductive plastic not only to fabricate many varieties of implant using plastic which cannot be seen in medical X-Rays, MRI's, CAT scans as easily differentiated, due to additional camouflaging by odd shaping to mimic tissue and general opacity. As well to illustrate the ability of industry with certain of its intelligence agencies to have fabricated implant able microchips that are virtually invisible to detection processes that are ordinarily used and to detect them requires extraordinary techniques. It is always to be understood that government and industry in secrecy are some (7 - 30) years or more ahead technologically than the public is apprised of their advanced capability and this fact can easily be ascertained merely by review of programs of the Department of Defense department DTIC information data base available in part to the public upon request.

"Where complaint references the top hierarchical number of an exhibit only, it is to indicate that the reader be directed to all the sub exhibits description and where necessary the actual exhibit itself".

a.) Defense Advanced Research Projects Agency (DARPA) report by DARPA managers giving an overview into declassified data and information enumerating on the do-ability of declassified technology related to neural implants. Stress is on the word declassified as the issue here is that government does have a lead some 20 to 50 years ahead of currently publicly disclosed information on the subject wherein the actual advanced state of the

art can easily be considered as well beyond that written about in this exhibit. In addition should this issue be of concern in relation to how it is presented a witness with considerable expertise in many government programs is willing to come to any court proceeding and enumerate his credentials and make a statement as to the fact that government is indeed many years ahead in many areas including miniaturization and other aspects of government secrecy where he will state they won't admit to having such devices is par for the course.

b.) Defendants US Patent of retina implant as well as defense contractor located in Suffolk County N.Y. and giant corporation NEC having to do with implanted devices in the head to allow persons to communicate with each other and a method to change the emotional state of a person at a distance. Such capabilities by Defendant and associates in DOD sharing with DOJ programs are testing such devices to locate a person implanted covertly with a GPS and then use the location coordinates to zap them with intense bursts of energy. Again with Defendants intelligence

c.) Defendants US Patent of retina implant as well as defense contractor located in Suffolk County N.Y. and giant corporation NEC having to do with implanted devices in the head to allow persons to communicate with each other and a method to change the emotional state of a person at a distance. Such capabilities by Defendant and associates in DOD sharing with DOJ programs are testing such devices to locate a person implanted covertly with a

GPS and then use the location coordinates to zap them with intense bursts of energy. Again with Defendants intelligence community and all resources mandated to provide excellence in gathering information such devices are in Defendants tool kit of MK-ULTRA activity.

d.) Wisconsin Statute outlaw implanted devices without consent, Assembly Bill 290 introduced in April 4, 2005 has been signed into law.

e.) Senator Biden's statement to Supreme Court Nominee apparently with knowledge that implants covertly have and are being used, tells nominee Roberts that he will rule on the legality of people being tracked 24/7, stressing he would rule on such a matter.

11.) Electrical energy sensor recognized by the IEEE and the Center of Disease Control where levels of energy over a specific value are noted for their effects on human physiology and that Plaintiffs are regularly exposed to such dangerous levels using implanted devices charged by Defendants using radio frequency transmissions much the same as RFID and Crystal radio technology and then discharged at dangerous levels and modulated at specific frequencies that cause specific effects. Device is available upon request.

"Where complaint references the top hierarchical number of an exhibit only, it is to indicate that the reader be directed to all the sub exhibits description and where necessary the actual exhibit itself".

a.) Center for Disease Control information on the effects of milliamp energy on human beings and the limits and physiological reactions associated with levels of exposure to milliamp current.

b.) IEEE Standard C95.3-2002 where within his standard specific devices are references that are used to measure current in the body; these methods and techniques being the only means of reliable measurement. Such device Plaintiffs have obtained are described in part "5.6 Instruments for measuring Induced (body) current". The device obtained conforms or exceeds the specifications of this standard. Sensor used available upon request by the Court.

c.) Plaintiffs suffered attacks by Defendant as follows:

I.) Plaintiff Deborah Lamb

II.) Plaintiff John Mecca

d.) Sensor complying or exceeding standard IEEE Standard C95.3-2002, available at the Courts request.

15.) Evidence Plaintiffs discovered coming from Defendants themselves that counters Defendants FOIA responses, where Defendant says they don't have any information Plaintiffs requested.

"Where complaint references the top hierarchical number of an exhibit only, it is to indicate that the reader be directed to

all the sub exhibits description and where necessary the actual exhibit itself".

a.) Plaintiff found Implant / GPS tracking technology relevant to FOIA & APPEALS requests by Plaintiffs showing Defendants have such information and or are hiding it from release via that process.

I.) Suffolk County Police Cars with GPS Tracking antenna array where 4 antenna's are used to track GPS signals.
II.) New York Attorney has his car GPS tracked by police.
III.) Suffolk County Police technology grant for GPS dated 1998.
IV.) Suffolk County Probation tracking device for those on probation.
V.) NLECTC, National Law Enforcement and Corrections Technology Center knowledge and mention of GPS as if it were very widely used.

b.) See Through the Wall technology relevant to FOIA & APPEALS requests by Plaintiffs showing Defendants have such information and or are hiding it from release via that process.

I.) NIJ See through the wall radar illustrates Police and agencies know about such NIJ in conjunction with a Defense program knows about see through the wall radar.
IV.) More from NIJ see through the wall radar and technology.

c.) Implanted tracking and monitoring devices relevant to FOIA & APPEALS requests by Plaintiffs showing Defendants have such information and or are hiding it from release via that process.

I.)DARPA INTERNAL REPORT
II.) U.S Dept. Justice testing of subcutaneous tracking devices.
III) Sen. Biden remarks as to the inferred existence of subcutaneous tracking devices.

-end of exhibit 3-

(EXHIBIT -4- Inference for Geneva Convention coverage)

(EXHIBIT -4- Inference for Geneva Convention coverage)

II. Summary of Complaint:
Distinct and Separate Causes of Action's (A-F)

Plaintiff's as well make the point in this complaint that they "have standing" in the legal definition sense, where it gives Plaintiff's the right to bring this complaint into court by virtue of exhibits illustrating refusal of authorities to help Plaintiff's, just as was done to victims of MK-ULTRA, Tuskegee syphilis, Guantanamo and international secret torture jails and of LEAA experiments and others too numerous to mention.

So then Plaintiff's demand the Court deprive Defendants of certain rights where they do not have to answer this complaint fully, such as where Defendants often use excuses of "ongoing investigations and or national security issues; because of the criminal nature of actions Plaintiff's claim Defendant is doing to them mentioned in this complaint. Additionally such actions of Defendant analyzed in a broader way are of treason; where such activities are illustrated to have decreased the security of the country. Exhibits are cited supporting the above cause of action are in (VI. COMPLAINT DISCUSSION)}.

In regard to any defense of the Defendant's action there can be no evasion of the "long Arm of The Law".

B. As a single and separate cause of action:

Plaintiffs make this request of the Court because Defendant

has a proven track record historically of illegal, unethical and unconscionable activities often resulting in permanent injury, illness and death. Plaintiff's call into evidence Defendant programs MK-ULTRA, Tuskegee syphilis, and LEAA experiments, Guantanamo and international secret torture jails, and many others too numerous to mention here. Additionally as supporting evidence there are also exhibits illustrating Defendants have a track record of hiding, destroying evidence and training their personnel to do so.

D.) As a single and separate cause of action:

Plaintiff's rightfully addresses the issue of "standing" as an issue due to Defendants track record of abuse related to falsely answering Defendant's FOIA/FOIL 's and Appeal's illustrated by "Cause of Action (A), as well as proven track record historically of illegal, unethical and unconscionable activities often resulting in permanent injury, illness and death. Plaintiff's call into evidence Defendant programs MK-ULTRA, Tuskegee syphilis, and LEAA experiments, Guantanamo's international secret torture jails, and many others too numerous to mention here. Additionally as supporting evidence there are also exhibits illustrating Defendants have a track record of hiding, destroying evidence and training their personnel not only to hide information but to use covert methods in preventing subjects from receiving medical help.

1. Legislation breeched:

§ 1361 |

§ 1361. Action to compel an officer of the United States to perform his duty

Release date: 2005-09-29

2. Legislation breeched:

Section 802 of the USA PATRIOT Act (Pub. L. No. 107-52) expanded the definition of terrorism to cover "domestic," as opposed to international, terrorism. A person engages in domestic terrorism if they do an act "dangerous to human life" that is a violation of the criminal laws of a state or the United States, if the act appears to be intended to: (i) intimidate or coerce a civilian population; (ii) influence the policy of a government by intimidation or coercion.-

-end of exhibit 4-

PROOF OF SERVICE

DOCKET NO. 07-706

IN THE

Supreme Court of the United States

OCTOBER TERM, 2007

JOHN MECCA & DEBORAH RAE LAMB,
Petitioner's,
vs.
UNITED STATES OF AMERICA,
Respondent.

PROOF OF SERVICE
pursuant to 28 U. S. C. § 1746.

I, John Mecca, do swear,

or declare that on this date, March 12, 2008,

I, Deborah Rae Lamb, do swear,

or declare that on this date, March 12, 2008,

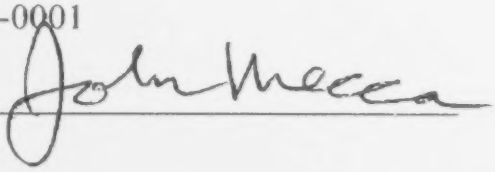
,as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED and PETITION FOR REHEARING on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in

the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as Commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are:

Solicitor General of the United States
Paul D. Clement
Room 5614
Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530-0001

(Signature Petitioner 

(Signature Petitioner 